(b) a cosmetic composition with an oil (claims 18-20,22, 23), and

(c) a cosmetic composition with a metal-complexing agent (claims 24-26).

As an initial matter, Applicants note that claim 37 has been included in both Group I and Group II. This appears to be an inadvertent error. Claim 37 is directed to a composition, not a method. Thus, Applicants assume that this claim should only be included in group I. Applicants respectfully request confirmation of this assumption.

Moreover, Applicants are not sure what the Examiner means when he says that "[c]urrently, cosmetic compositions are generic." Does that mean that claims 21, 27, 32-35 and 37 are generic? These are the claims that the Examiner has not categorized into a species. Applicants respectfully request clarification.

Applicants respectfully traverse this restriction requirement. However, to be responsive, Applicants elect, with traverse, Group I (claims 1-28, 32-35, 37) as well as the species (a) a non-oily cosmetic without a metal-complexing agent (claims 1-17).

Applicants' traversal of the restriction requirement is as follows. Regarding the species description of (a), Applicants note that the Examiner has added his own limitation to the claims. None of claims 1-17 recite the limitation that the composition is "non-oily." Thus, it is Applicants' position that the categorization by the Examiner is improper.

Regarding the restriction between Group I and Group II, as noted by the Examiner at page 2 of the Restriction Requirement, the inventions can be shown to be

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distinct if (1) the process for using the product **as claimed** can be practiced with another materially different product. In this instance, the process of the claims in Group II specifically recites the use of the product recited in the claims of Group I. For example, claim 29 recites "a method of treating the signs of ageing of the skin or the hair comprising applying at least one dermatological **composition according to claim 1** to said skin or hair." Thus, contrary to the Examiner's assertion, the process **as claimed** cannot be practiced with a nonpolymeric antioxidant, such as aminobenzoic acid.

Moreover, the Examiner's attention is invited to M.P.E.P. § 803, which sets forth criteria and guidelines for the Examiner to follow in making a proper requirement for restriction. The following passages are pertinent to the issue herein.

CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(1) The inventions must be independent (see MPEP §§ 802.01, 806.04, 808.01) or distinct as claimed (see MPEP §§ 806.05-806.05(I)); and

(2) There must be a serious burden on the Examiner if restriction is not required (see MPEP §§ 803.02, 806.04(a)-(j), 808.01(a) and 808.02).

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GUIDELINES

Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the requirement in most cases.

The Examiner has not shown that there would be a serious burden to examine both of Groups I and II. It is not understood how the search would possibly be burdensome, since the compositions recited in the claims of Group I are also a recited element of the claims of Group II. Therefore, the search that has already been done for Group I would necessarily have to be done for Group II.

For the above reasons, the restriction requirement is believed to be in error and should be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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